

Remarks

Applicant has amended his claims to better distinguish his invention over the references. The subject matter of Claim 7, which was found to be allowable, has been incorporated into Claim 1 and Claim 7 has been canceled. (Claim 6 has also been canceled as it was not consistent with Claim 7.) Thus, Claim 1 and all of the claims that depend from Claim 1 (Claims 2 to 5 and 8 to 17) should now be allowable. Claims 19 and 20 have been limited in the same manner as Claim 7 and therefore should also be allowable.

Claim 18 has been amended to distinguish over the references in another manner, as will be discussed below.

Claim 13 was rejected under 35 U.S.C. 112, second paragraph. Claim 13 has been amended to overcome this rejection.

Claims 1, 9 to 11, and 13 were rejected under 35 U.S.C. 102(b) as anticipated by Shalvi. Claim 1 has been amended to incorporate the subject matter of allowable Claim 7, and therefore this rejection should be overcome.

Claims 2, 3, 5, 8, and 18 were rejected under 35 U.S.C. 103(a) as obvious over Shalvi. As to Claims 2, 3, 5, and 8 this rejection should be overcome by the incorporation of the subject matter of allowable Claim 7 into Claim 1, from which these claims depend.

Claim 18 requires the night light to be always on. This is necessary because Applicant's lighting fixture is used inside in areas that may not receive outside light.

Shalvi's "Outdoor Solar Lamp" is used outside, so there is no need for the night light to be always on. In fact, it would be disadvantageous for Shalvi's night light to be always on as that would drain the battery and would be of no benefit during the day. Draining the battery is such a concern to Shalvi that he even turns off night light 22 at night if the battery is low. (See column 2, lines 19 to 23.)

Applicant's Claim 18 further requires that the night light is powered from a source of 110VAC or 220VAC electricity. Shalvi's "Outdoor Solar Lamp" is normally powered by solar panel 12, which provides electricity that is stored in battery 19. One of the advantages of Shalvi's Lamp is that it can be placed anywhere outside without having to connect it to a long extension cord. That advantage would be completely lost if it had to be connected to a source of 110VAC or 220VAC electricity. Similarly, Applicant's Claim 18 requires the safety light to also be connected to a source of 110VAC or 220VAC electricity, which would also not be obvious in view of Shalvi.

Applicant's Claim 18 still further requires two bulbs for the safety light. The reason for this is that if one bulb burns out, light will still be provided by the other bulb until the burned out bulb can be replaced. Note that Shalvi refers to his night light as "marker lamps" and refers to his safety light as "high power lamp 23," indicating that the safety light is only a single bulb.

Claims 4, 6, 12, 19, and 20 were rejected under 35 U.S.C. 103(a) as obvious over Shalvi further in view of Blackman. Claim 6 has been canceled. As to Claims 4, 12, and 20, this rejection should be overcome by the incorporation of the subject matter

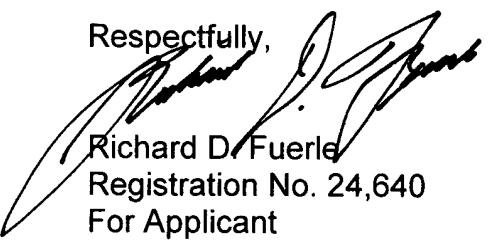
of allowable Claim 7 into Claims 1 and 20. Claim 19 depends from Claim 18 and Claims 18 and 19, taken together, contain the same limitations as Claim 7, and therefore Claim 19 should also overcome this rejection.

Claims 14 to 17 were rejected under 35 U.S.C. 103(a) as obvious over Shalvi further in view of Buckmaster. This rejection should be overcome by the incorporation of the subject matter of allowable Claim 7 into Claim 1 as Claims 14 to 17 depend from Claim 1.

As all of the rejections are now believed to be overcome, reconsideration and allowance of Claims 1 to 6 and 8 to 20 is requested. The Examiner is invited to call Applicant's attorney at (716) 774-0091 to resolve any remaining problems.

Applicant encloses herewith a check made payable to the Commissioner of Patents in the amount of \$225.00 for the two-month extension of time fee.

Respectfully,


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